

## APPENDIX A:

### Reference of Proposed Improvements to the Comprehensive Plan

The Planning Commission is the agency charged with preparation of the Comprehensive Plan and with advising the City Council on matters related to the Plan. In order to do this properly, the Commission must maintain knowledge of many facts and interrelationships and must be able to weigh the advantages and disadvantages of various alternatives which may be available in a given situation. This is no small responsibility. The Planning Commission will need help from various sources, depending on the complexity of problems placed before it.

The State Planning Enabling Statutes provide for the general content of the Plan and procedures for its adoption. The Planning Commission is required to give notice and hold a public hearing before recommending the Plan to the City Council for adoption. The Council must also give notice and hold a public hearing before it adopts the Plan. If this procedure is followed, Section 15.1-456 of the enabling statute establishes the legal status of the Plan as follows:

#### Sec. 15.1-456. Legal status of plan.

(a) Whenever the local commission shall have recommended a comprehensive plan or part thereof for the county or municipality and such plan shall have been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless such feature is already shown on the adopted master plan or part thereof or is deemed so under paragraph (d), no street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the local commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by Section 15.1-431.

(b) The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by the vote of a majority of the membership thereof. Failure of the commission to act within sixty days of such submission, unless such time shall be extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the local commission to the governing body within ten days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within sixty days from its filing. A majority vote of the governing body shall overrule the commission.

(c) Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

(d) Any public area, facility or use as set forth in paragraph (a) which is identified within, but not the entire subject of, a submission under either Sec. 15.1-475 for subdivision or Sec. 15.1-491(h) for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Sec. 15.1-491(a). (1982, c.39.)

The intent of this section is to require a review of public projects by the Planning Commission to ensure reference to the adopted plan as an aid to coordinating these projects with long-range goals. This review is sometimes overlooked by agencies which are too narrowly concerned with their own projects. It will require leadership on the part of the Commission to ensure that its advice will be requested on all important plan-related matters.

The preparation and adoption of this Comprehensive Plan update is only another step along the way for planning in Winchester. While seeming to be quite detailed in some areas, the Plan stops much short of the detail that may be needed for important decisions in the future, and so will the next major plan revision. A great deal of additional study will be required for individual projects. This Plan update has summarized numerous detailed planning studies done since the 1982 Plan was adopted. Each future effort will do what it can to provide an improved base upon which future planning can build as this plan update, like the 1982 update, is built upon the 1974 Plan.

Section 15.1-454 of the State Planning Enabling Statute requires that: "At least every five years, the Comprehensive Plan shall be reviewed by the local commission to determine whether it is advisable to amend the Plan." This provision recognizes that plans grow out of date and that commissions tend to put off formal review. The section does not command that the Plan be redone in its entirety, only that it be reviewed.